

Committee Agenda

Committee: House Agriculture and Natural Resources
Room: 464
Date: Thursday, February 18, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1057](#) **revise and update certain provisions relating to dairy production and inspection.**

The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture

[HB 1113](#) **specify certain animal species for animal damage control.**

Representatives Brunner, Frerichs, Olson (Betty), and Verchio and Senators Rhoden and Maher

[HB 1114](#) **broaden the policy review committee for animal damage control.**

Representatives Brunner, Olson (Betty), and Verchio and Senators Rhoden and Maher

[HB 1115](#) **provide for annual audits of the state predatory animal control fund.**

Representatives Brunner, Frerichs, Olson (Betty), and Verchio and Senators Rhoden and Maher

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

THOMAS J. BRUNNER, Chair

REVISED Committee Agenda

Committee: House Health and Human Services
Room: 412
Date: Thursday, February 18, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1245](#) **repeal the death penalty and commute certain death sentences to life imprisonment.**

Representatives Lange, Blake, Feickert, Hunhoff (Bernie), Kirschman, Lucas, Nygaard, Schrempp, Solberg, and Thompson and Senators Hundstad, Jerstad, and Merchant

[HB 1184](#) **revise employee sick leave used for the care of a spouse, child, or parent of the employee if the spouse, child, or parent has a serious health condition.**

Representatives Jensen, Bolin, Brunner, Conzet, Curd, Fargen, Feickert, Feinstein, Kirkeby, Kirschman, Lange, Lederman, Moser, Noem, Olson (Betty), Russell, Sly, Solum, Steele, Van Gerpen, and Verchio and Senators Bartling, Fryslie, Heidepriem, Jerstad, Kloucek, Maher, and Turbak Berry

[HJR 1001](#) **Proposing and submitting to the electors at the next general election a new section to Article XXI of the Constitution of the State of South Dakota, relating to freedom of choice in health care.**

Representatives Jensen, Bolin, Brunner, Curd, Greenfield, Kirkeby, Kopp, Lederman, Moser, Novstrup (David), Russell, and Steele and Senators Maher, Abdallah, Novstrup (Al), and Schmidt

[SB 83*](#) **provide for the self-administration of prescription asthma and anaphylaxis medication by students.**

Senators Jerstad, Abdallah, Adelstein, Fryslie, Hanson (Gary), Merchant, Miles, Peterson, Rhoden, Tieszen, and Turbak Berry and Representatives Rave, Elliott, Engels, Gibson, Hamiel, Noem, Nygaard, Rounds, and Schlekeway

[SB 157](#) **authorize the construction of nursing facilities on American Indian reservations under certain circumstances.**

Senators Bradford, Abdallah, Adelstein, Brown, Dempster, Fryslie, Garnos, Gillespie, Gray, Hansen (Tom), Hanson (Gary), Haverly, Heidepriem, Howie, Knudson, Maher, Miles, Novstrup (Al), Olson (Russell), Peterson, Rhoden, Schmidt, Tieszen, Turbak Berry, and Vehle and Representatives Pitts, Blake, Elliott, Engels, Gosch, Hunhoff (Bernie), Iron Cloud III, Jensen, Juhnke, Killer, Kirkeby, Krebs, Lange, Lederman, Lucas, McLaughlin, Olson (Betty), Rausch, Rounds, Schlekeway, Sly, and Van Gerpen

CAROL A. PITTS, Chair

Committee Agenda

Committee: House Local Government
Room: 414
Date: Thursday, February 18, 2010
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

- [HB 1165](#) **revise the procedure for reissuing certain alcoholic beverage licenses.**
Representatives Kirkeby, Brunner, Burg, Cronin, Cutler, Feickert, Frerichs, Gibson, Greenfield, Hamiel, Hoffman, Kirschman, Lederman, Lucas, Lust, Noem, Nygaard, Peters, Pitts, Putnam, Romkema, Schlekeway, Steele, Street, Tidemann, Turbiville, Vanderlinde, Verchio, and Wink and Senators Haverly, Abdallah, Adelstein, Ahlers, Bartling, Brown, Gant, Hansen (Tom), Kloucek, Maher, Merchant, Nelson, Peterson, and Rhoden
- [HB 1227](#) **establish certain road maintenance responsibilities for townships.**
Representatives Solberg, Blake, Feinstein, Gibson, Killer, Schlekeway, and Vanderlinde and Senators Gant and Ahlers
- [HB 1249](#) **provide for the disposition of certain property sold at auction but not claimed.**
Representatives Greenfield, Blake, Feickert, Lust, Novstrup (David), Nygaard, Rounds, Schlekeway, and Vanneman and Senators Gillespie, Frysliie, Maher, and Olson (Russell)

MARK KIRKEBY, Chair

REVISED
Committee Agenda

Committee: House State Affairs
Room: 414
Date: Thursday, February 18, 2010
Time: 4:00 PM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1268](#) **establish certain requirements and safeguards relating to wind easements and wind energy leases.**

Representatives Fargen, Bolin, Dennert, Feickert, Frerichs, Hamiel, Hoffman, Hunhoff (Bernie), Killer, Kirkeby, Moser, Olson (Betty), Rausch, Schlekeway, and Verchio and Senators Heidepriem, Ahlers, Bradford, Hansen (Tom), Hanson (Gary), Hundstad, Maher, Novstrup (Al), and Olson (Russell)

[HB 1194](#) **revise certain provisions concerning wind easements and to specify certain information to be included in the recorded documents.**

Representatives Rausch, Brunner, Burg, Dennert, Faehn, Fargen, Feickert, Feinstein, Frerichs, Hunhoff (Bernie), Jensen, Juhnke, Lange, Lucas, Novstrup (David), Peters, Pitts, Romkema, Rounds, Schlekeway, Solum, Sorenson, Street, Thompson, Tidemann, Turbiville, and Vanneman and Senators Olson (Russell), Abdallah, Ahlers, Bartling, Bradford, Brown, Dempster, Fryslie, Gillespie, Hansen (Tom), Hanson (Gary), Heidepriem, Jerstad, Kloucek, Knudson, Merchant, Nesselhuf, Peterson, Turbak Berry, and Vehle

[HB 1263](#) **repeal certain provisions relating to the terms of wind easements and wind energy leases.**

Representatives Noem, Faehn, Greenfield, Kirkeby, Lust, Moser, Rave, Solum, and Tidemann and Senators Rhoden, Abdallah, Garnos, and Gray

[HB 1192](#) **establish an incentive grant program for the installation of ethanol blender pumps and to make an appropriation therefor.**

Representatives Fargen, Blake, Bolin, Boomgarden, Brunner, Burg, Carson, Cronin, Dennert, Elliott, Faehn, Feickert, Feinstein, Frerichs, Gibson, Gosch, Greenfield, Hamiel, Hoffman, Hunhoff (Bernie), Iron Cloud III, Killer, Kirkeby, Kirschman, Krebs, Lange, Lucas, McLaughlin, Moser, Noem, Novstrup (David), Nygaard, Olson (Betty), Pitts, Rausch, Rave, Rounds, Schlekeway, Schrempp, Solberg, Solum, Sorenson, Street, Thompson, Van Gerpen, Vanderlinde, Vanneman, Wink, and Wismer and Senators Knudson, Abdallah, Ahlers, Bartling, Bradford, Brown, Dempster, Gant, Garnos, Gillespie, Gray, Hanson (Gary), Heidepriem, Hundstad, Jerstad, Kloucek, Maher, Merchant, Miles, Nesselhuf, Novstrup (Al), Olson (Russell), Peterson, and Turbak Berry

[HB 1135](#) **rescind all previous applications of the State of South Dakota for the calling of a federal constitutional convention to amend the Constitution of the United States.**

Representatives Olson (Betty), Brunner, Deadrick, Greenfield, Hoffman, Jensen, Kirkeby, Lederman, Lust, Noem, Russell, Schlekeway, Schrempp, Steele, Verchio, and Wink and Senators Gant, Abdallah, Maher, and Schmidt

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

85th Legislative Session – 2010

Committee: House Taxation

Thursday, February 18, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Cutler
P Feickert
P Gibson
P Greenfield
P Hunhoff (Bernie)
P Juhnke
P Kirkeby
P Kirschman
P Lange
P Lederman
P Russell
P Solum
P Thompson
P Noem, Vice-Chair
P Olson (Ryan), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Ryan Olson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 16, 2010.

Moved by: Cutler
Second by: Gibson
Action: Prevailed by voice vote.

HB 1255: lower the state sales and use tax on certain food items and to increase the rate of taxation for the sales and use tax on certain goods and services.

*Prior testimony heard on February 16, 2010.

Presented by: Representative Marc Feinstein (Handouts: #1)
Proponents: Cathy Brechtelsbauer, Self, Sioux Falls (Handouts: #2, #3)
Greg Boris, South Dakota Voices for Children
Opponents: Jane Page, Department of Revenue and Regulation
Shawn Lyons, SD Retailers Association

MOTION: DEFER HB 1255 TO THE 41ST LEGISLATIVE DAY

Moved by: Noem
Second by: Greenfield
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1255

Moved by: Kirkeby
Second by: Gibson
Action: Prevailed by roll call vote. (9-6-0-0)

Voting Yes: Cutler, Feickert, Gibson, Hunhoff (Bernie), Kirkeby, Kirschman, Lange, Lederman, Thompson

Voting No: Greenfield, Juhnke, Russell, Solum, Noem, Olson (Ryan)

HB 1237: revise certain provisions regarding the refunds for new or expanded agricultural facilities and the refunds for new or expanded business facilities and to declare an emergency.

MOTION: TO TABLE HB 1237

Moved by: Gibson
Second by: Greenfield
Action: Prevailed by roll call vote. (13-0-2-0)

Voting Yes: Cutler, Feickert, Gibson, Greenfield, Hunhoff (Bernie), Juhnke, Kirkeby, Lederman, Russell, Solum, Thompson, Noem, Olson (Ryan)

Excused: Kirschman, Lange

HB 1246: revise the definition of new business facilities that are eligible for certain tax refunds and to declare an emergency.

Presented by: Representative Jason Frericks
Proponents: Charlie Flowers, SD Coalition of Schools
David Wiest, Department of Revenue and Regulation
Opponents: Dennis Duncan, Trans Canada Corporation
Julie Johnson, Absolutely Aberdeen

MOTION: AMEND HB 1246

1246ra

On page 2, between lines 2 and 3 of the printed bill, insert:

"

Section 2. The provisions of this Act apply to any project where the construction date is after the effective date of this Act.

The provisions of chapter 10-45B in effect prior to the effective date of this Act apply to any project where the construction date was before the effective date of this Act."

Moved by: Gibson
Second by: Kirschman
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1246 AS AMENDED

Moved by: Hunhoff (Bernie)
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1246 TO THE 41ST LEGISLATIVE DAY

Moved by: Lederman
Second by: Greenfield
Action: Failed by roll call vote. (2-12-1-0)

Voting Yes: Greenfield, Lederman

Voting No: Feickert, Gibson, Hunhoff (Bernie), Juhnke, Kirkeby, Kirschman, Lange, Russell, Solum, Thompson, Noem, Olson (Ryan)

Excused: Cutler

THE MOTION TO DO PASS HB 1246 AS AMENDED

Moved by: Hunhoff (Bernie)
Second by: Gibson
Action: PREVAILED BY ROLL CALL VOTE. (12-2-1-0)

Voting Yes: Feickert, Gibson, Hunhoff (Bernie), Juhnke, Kirkeby, Kirschman, Lange, Russell, Solum, Thompson, Noem, Olson (Ryan)

Voting No: Greenfield, Lederman

Excused: Cutler

HB 1270: revise the conditions pursuant to which the state may enter into tax collection agreements with Indian tribes.

Presented by: Representative Kevin Killer
Proponents: Whitney Meek, Self, Rosebud
Representative Larry Lucas
Senator Jim Bradford
Opponents: David Wiest, Department of Revenue and Regulation

MOTION: DO PASS HB 1270

Moved by: Hunhoff (Bernie)
Second by: Greenfield
Action: Prevailed by roll call vote. (14-1-0-0)

Voting Yes: Cutler, Feickert, Gibson, Greenfield, Hunhoff (Bernie), Juhnke, Kirkeby, Kirschman, Lange, Lederman, Russell, Solum, Thompson, Noem

Voting No: Olson (Ryan)

MOTION: ADJOURN

Moved by: Greenfield
Second by: Gibson
Action: Prevailed by voice vote.

Linda Daugaard
Committee Secretary

Ryan P. Olson, Chair

Committee Agenda

Committee: House Transportation
Room: 413
Date: Thursday, February 18, 2010
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1262](#) **adjust certain registration fees for the use of motor vehicles on the public highways.**

Representatives Lederman, Bolin, Burg, Cronin, Dennert, Fargen, Feickert, Frerichs, Lange, McLaughlin, Putnam, Solberg, and Street and Senators Merchant, Bartling, Fryslie, Hansen (Tom), Hanson (Gary), and Maher

[SB 14](#) **update certain provisions pertaining to motor carrier safety and transportation of hazardous materials.**

The Committee on Transportation at the request of the Department of Public Safety

[SB 16](#) **revise certain commercial driver licensing provisions and penalties.**

The Committee on Transportation at the request of the Department of Public Safety

[SB 17](#) **revise certain provisions regarding restricted driving permits for minors.**

The Committee on Transportation at the request of the Department of Public Safety

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

SHANTEL KREBS, Chair